

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

John M. H Doe & John B.G. Doe

Plaintiff

v.

Luis Quinones, et al

Defendant

Civil Action No. 2:17-cv-00719-MPK

WAIVER OF THE SERVICE OF SUMMONS

To: Tyler Setcavage, Esquire

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 10/23/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

10/25/17

Luis Quinones

Printed name of party waiving service of summons

Signature of the attorney or unrepresented party

Luis Quinones

Printed name

220 Mercer St. Butler PA 16001

*Address**E-mail address**Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN M.H. DOE and JOHN
B.G. DOE,

Plaintiffs,

vs.

LUIS QUINONES, et al.

Defendants.

Civil Action No. 2:17-00719

PROOF OF SERVICE ON AN
INDIVIDUAL WITHIN THE
UNITED STATES

I, Nathaniel Newborn, declare as follows:

1. At the time of service I was at least 18 years of age and **not a party to this lawsuit.**

2. I served copies of the summons, waiver of summons, complaint and certificate and notice of interested parties (hereinafter referred to as "copies").

3. I served the defendant Luis Quiones.

4. I served the copies by: **(check only one).**

a. ☒ **Personal Service** in compliance with the Federal Rules in Civil Procedure. I personally delivered copies to the defendant named in paragraph 3:

Date: 10/25/17 Time: 6:16 pm

Address: 220 Mercer St. (street)

Butler, PA 16001 (city, state, zip code)

b. ☐ **Substitute Service of Defendant's Residence** in compliance with the Federal Rules of Civil Procedure. I personally delivered copies to a person of suitable age residing at the defendant's residence and informed him or her of the general nature of the papers. I left the copies with:

Name: _____
Date: _____ Time: _____
Address: _____ (street)
_____ (city, state, zip code)

- c. ____ **Combination Service at Defendant's Place of Business** in compliance with the Western District of Pennsylvania Code of Civil Procedure. I made at least 3 attempts to personally serve the defendant:

Attempt 1

Date: _____ Time: _____
Address: _____ (street)
_____ (city, state, zip code)

Attempt 2

Date: _____ Time: _____
Address: _____ (street)
_____ (city, state, zip code)

Attempt 3

Date: _____ Time: _____
Address: _____ (street)
_____ (city, state, zip code)

- d. ____ **Mail Service on a Defendant located outside of Pennsylvania** in compliance with the Western District code of Civil Procedure. I mailed copies to the defendant, located outside of Pennsylvania, via certified or registered mail to:

Name: _____
Date: _____ Time: _____
Address: _____ (street)
_____ (city, state, zip code)

A copy of the signed return receipt is attached.

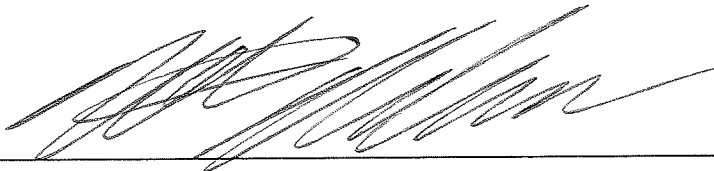
5. My name, address, and telephone numbers are:

Nathaniel Newborn (Full Name)
102 Overview Ct (Address Line 1)
Drums, PA 18222 (Address Line 2)
724-272-6549 (Phone Number)

6. I am not a registered Pennsylvania process server

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/25/17 at Drums, PA
(date) (place of signing)


(signature)

Nate Newborn
(name)